

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, MARCH 16, 2022 AT 5:30 P.M. IN THE CITY COUNCIL
CHAMBERS.**

MAYOR: Louie A. Trujillo

COUNCILORS: David G. Romero
Elaine Rodriquez
Michael L. Montoya
David A. Ulibarri, Jr.

ALSO PRESENT: Leo Maestas, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Antonio Salazar, Sergeant at Arms

CALL TO ORDER

Mayor Trujillo called the meeting to order at 5:30 pm.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked for a moment of silence for our brothers and sisters in Ukraine that are suffering through the war. Councilor Rodriquez asked for a moment of silence for the students from the University of Southwest that were killed in a vehicle accident.

APPROVAL OF AGENDA

Councilor Montoya made a motion to approve the agenda. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following: All were in favor.

David G. Romero	Yes	Elaine Rodriquez	Yes
David Ulibarri	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Fresquez advised she had one public input regarding Business item 1 and that individual would speak during the public hearing for that item.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo recognized the West Las Vegas Wrestling Team for winning the State Championship and thanked the coaches who worked so hard.

Councilor Montoya commended the coaches and parents who stand behind the children and help guide them.

Mayor Trujillo presented Councilor Rodriquez with a certificate of recognition for her time as a Councilor for Ward 3.

Councilor Rodriquez thanked Mayor Trujillo for the appointment and appreciated those who voted for her. Councilor Rodriquez advised they accomplished a lot while she was there. Councilor Rodriquez advised she will be working with her students to lobby during the Legislative Session on behalf of the University and the City.

Councilor Ulibarri stated it was a pleasure to work with Councilor Rodriquez and they accomplished a lot.

Councilor Romero advised when they were seeking someone for the Ward 3 position they were looking for someone who was independent and not controlled by anyone and Councilor Rodriquez was a good fit. Councilor Romero thanked Councilor Rodriquez for all she's done.

COUNCILORS' REPORTS

Councilor Montoya thanked PNM Community Relations Manager Jamie Aranda/Avangrid for the four thousand dollar allotment to be used for improvements.

Councilor Romero thanked the Fire department, the Police Department and all those involved in the services for Frank Lovato.

CITY MANAGER'S REPORT

City Manager Maestas gave a report on the following:

- Welcomed new employees to the City of Las Vegas
- Welcomed new businesses
- Maria Perea, Planning and Zoning Coordinator spoke on the process to create a new business and the business license application

A lengthy discussion took place regarding if the application was available on the website, if people can pay for their business license online, if there is a good connection between the City of Las Vegas, Construction Industries Division and other agencies to expedite the opening of a new business and if she keeps track of all the businesses that apply for a license.

Councilor Montoya spoke about his concerns regarding businesses operating without a license, customers being told they need a certain form of money, customers getting misdirected, inspections that need to be done and abiding by the city ordinances.

Mayor Trujillo gave City Manager Maestas a directive to get a team together to improve the business license application process.

Discussion took place regarding where Fire, CID and Environment departments sign off on the business license application, complaints about the time it takes for inspections to happen, having a Development Review Team, the process for the security fee for a cannabis license and where payments for business licenses are being collected.

City Manager Maestas played Mayor Trujillo's 2022 State of the City Address.

Mayor Trujillo thanked Captain Daniel Atencio and Firefighter Fabian Duran for their help with the production of the video.

Councilor Montoya thanked Mayor Trujillo for taking on a lot of challenges throughout the last 2 years. Councilor Montoya advised that without City Manager Maestas, directors and employees they wouldn't have completed as many projects. Councilor Montoya thanked Councilor Rodriguez for her service and for representing her ward.

POLICE CHIEF'S REPORT

Police Chief Salazar gave a presentation regarding the statistics for the Month of February on the following:

- Field Operations Division (patrol)
- Information Division (records)
- Street Crimes
 - Recovered stolen vehicles
 - Cases closed
 - Meetings and trainings
- Training/Recruiting/Travel
 - NM Law Enforcement Academy
- Will conduct DWI Checkpoints
- Community Events
 - Coffee with a Cop
 - Security for East/West basketball game
- Department vacancies (16)
- Accomplishments/Upgrades
 - Region IV Drug Task Force
 - Defensive Training Tactics
 - Upgraded Cameras, Police Uniforms, Vehicles, Radios, Body Armor, computers, scanners and furniture
 - Speed enforcement units

Councilor Montoya commended Police Chief Salazar for all they're doing and being visible in the community. Councilor Montoya suggested publicizing the speed enforcement units so the public is aware.

Councilor Romero asked if Police Chief Salazar could give an update at the next council meeting regarding the inspection process for obtaining a cannabis license, and if the officers have seen their pay increase since the Union agreement was passed.

Police Chief Salazar advised he thinks the increase should be on the next pay period.

Councilor Rodriquez asked how coffee with a cop was going.

Councilor Ulibarri asked what the time frame was for an officer to turn in a report.

Police Chief Salazar advised the officer has up to 3 days by the end of their workshift.

Discussion took place regarding the S.T.E.P. program.

Mayor Trujillo advised they will be doing a speed enforcement program in May and further stated that he wants training for officers regarding responding to mental health crises.

FINANCE REPORT

Finance Director Baquera reported on the month of February, General fund revenues were at 73%, expenditures were at 47%, with a surplus of \$1,148,917, the Enterprise fund revenues were at 63%, expenditures were at 52%, with a surplus of \$1,161,588, the Recreation department revenues were at 39%, expenditures were at 36%, with a surplus of \$103,345 and Lodger's Tax revenues were at 78%, expenditures were at 53%, with a surplus of \$95,652.

Finance Director Baquera discussed the amount generated in the new court fees was \$19,404.00 and the amount generated in the Bird fee was \$153.00.

Mayor Trujillo asked if there was anything in his report they should be aware of or that's concerning.

Finance Director Baquera advised everything looked good.

Discussion took place regarding where the allocation of court fees goes.

PRESENTATIONS

Utilities Director Gilvarry gave a lengthy report on the condition of the City's water as compared to last year, water storage, water loss throughout the year due to leaks, water restrictions during the summer and effluent water available.

Councilor Montoya asked about the annexation from City Hall to the airport and if that area was paying city rates.

Utilities Director Gilvarry advised anyone on the west side that was included in the annexation will have city rates.

Councilor Montoya recommended that the community be notified when water restrictions are changed.

CONSENT ITEMS

1. Request approval of out-of-state travel for Police Chief Antonio Salazar to attend the Alliance for Hope Family Justice Center conference in San Diego California May 24-May 28, 2022.
2. Request approval of out-of-state travel for one (1) police lieutenant to attend FBI-LEEDA Managing and Conducting Internal Affairs Investigations training held in Tempe, Arizona on April 4-8, 2022.
3. Request approval of Addendum #1 to Contract #3729-21 with JJ & Son Excavation for concrete services on an as needed basis.

Councilor Montoya made a motion to approve the Consent Agenda (1-3) as read into the record. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez

Yes

David G. Romero

Yes

David Ulibarri	Yes	Michael L. Montoya	Yes
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City Clerk Fresquez advised the motion carried.

BUSINESS ITEMS

Conduct a Public Hearing for Business Item 1.

Councilor Montoya made a motion to enter into Public Hearing to discuss business item 1. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Michael L. Montoya	Yes
Elaine Rodriguez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

City Attorney Aaron swore in City Clerk Fresquez, Carlos Lopez and Gabriel Lucero.

1. Conduct a public hearing and request approval of Application No. 1213722 for a Transfer of Location Only of Inter-Local Dispenser License No. 28011.

City Clerk Fresquez advised the application for Inter-Local Dispenser license was for a transfer of location only dba Buffalo Hall. City Clerk Fresquez advised all the publications and zoning requirements were met. City Clerk Fresquez advised there was a preliminary approval by the Alcohol Beverage Control division.

Councilor Montoya made a motion to exit Public Hearing and return to regular session. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriguez	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

1. Conduct a public hearing and request approval of Application No. 1213722 for a Transfer of Location Only of Inter-Local Dispenser License No. 28011.

Councilor Romero made a motion to approve application No. 1213722 for a Transfer of Location Only of Inter-Local Dispenser License No. 28011. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

There was discussion about Buffalo Hall having adequate loading and unloading space.

2. Request approval of Resolution 22-13, a resolution to certify fixed asset/inventory for the 2020/2021 Fiscal year.

Finance Director Baquera advised by state statute council needs to certify fixed asset/inventory.

Discussion took place regarding vehicles from 1982 being on the fixed asset/inventory list, the Senior Center's fixed asset/inventory list should have been typed, and getting all the old and unused equipment on the next auction.

Mayor Trujillo asked, if auctions aren't working, is there something else that could be done or the possibility of having an in-person auction.

Councilor Romero discussed the costs that would come if they had an in-person auction. Councilor Romero talked about the problems with the online auction such as descriptions of the vehicles not being accurate.

City Manager Maestas advised there was a high portion of the vehicles listed in the fixed asset/inventory list that are no longer in their possession. City Manager Maestas advised each director will review their portion and see what's in their possession. City Manager Maestas advised they would bring the fixed

asset/inventory list back to council in April after directors look at their individual lists.

Councilor Romero made a motion to table resolution 22-13 until the next council meeting in April. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

3. Request approval of Resolution 22-14, a budget adjustment for the 2021-2022 fiscal year.

Finance Director Baquera discussed the budget adjustment needed for fiscal year 2021-2022.

Councilor Montoya made a motion to approve resolution 22-14. Councilor Ulibarri seconded the motion.

Resolution 22-14 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 22-14

A RESOLUTION TO MAKE BUDGET ADJUSTMENT FOR THE 2021-2022 FISCAL YEAR

WHEREAS, the Governing Body of Las Vegas has developed a budget adjustment request for fiscal year 2021-22; and

WHEREAS, said budget was developed on basis of increases in revenues, expenditures and transfer (in) out through cooperation with all user departments, elected officials and other department supervisors. Please see attached schedule: and,

WHEREAS, the City of Las Vegas is in need of making a budget adjustment in the 2021-2022 fiscal Year budget to include an increase to revenue and expenditure increase to Fund 266 Clean and Beautiful in the amount of \$16,404, An increase to revenue and expenditure to Fund 253 NM Traffic Safety in the amount of \$21,381, An increase to revenue and expenditure to Fund 217 Special Legislative in the amount of \$38,000, Recreation Fund 280 in the amount of \$3,000, and An increase to revenue and expenditure to Senior Center Fund 282 in the amount of \$319,412 and,

WHEREAS, the Governing Body finds that the budget adjustment request should be as it meets the requirements as currently determined for fiscal year 2021-22, and,

NOW, THEREFORE BE IT RESOLVED the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully request approval from the Local Governing Division of the Department of Finance and Administration.

ACCEPTED AND APPROVED this ____ day of March 2022.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Elaine Rodriguez	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

4. Discussion and Direction on the Memorandum of Agreement (MOA) between the City of Las Vegas, San Miguel County and New Mexico Highlands University.

City Manager Maestas advised that Mayor Trujillo and himself met with President Minner regarding moving forward with opening the golf course and the resolution would reflect the current year.

Councilor Romero asked about there being language that pertained to the council having a say on what events would take place.

Councilor Montoya asked for a 6 month report to be provided so they know how things are going.

Councilor Montoya made a motion to approve the MOA between the City of Las Vegas, San Miguel County and New Mexico Highlands University. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

5. Request approval of Resolution No. 22-08, City of Las Vegas Zero Tolerance Drug and Alcohol Policy and DOT Compliance Plan.

Human Resource Director Arguello discussed the reasoning for resolution 22-08, advising it would repeal and replace all previous resolutions by amending the City of Las Vegas' Zero Tolerance Drug and Alcohol Policy with respect to the Cannabis Regulation Act. Human Resource Director Arguello advised at the State level cannabis will be legal but at the Federal level cannabis is still considered a schedule 1 controlled substance. Human Resource Director Arguello advised she felt it was in the best interest of the City to keep it at a Zero Tolerance Drug and Alcohol Policy until they can evaluate further.

Mayor Trujillo asked if other States have done away with drug requirements for cannabis for non-safety sensitive positions.

Human Resource Director Arguello advised their main focus is on safety sensitive employees.

Councilor Rodriquez asked about anyone being prescribed a medical marijuana card.

Human Resource Director Arguello advised they have not come across any of those situations.

Councilor Rodriquez asked City Attorney Aaron if he has been following anyone who may have released an employee with a medical marijuana card.

City Attorney Aaron advised since it's a medical issue, it has a larger degree of protection but he has no knowledge of anyone at the City that has a medical marijuana card. City Attorney Aaron advised even with a medical marijuana card a person cannot be impaired while at work.

Discussion took place regarding when non-safety sensitive employees are tested, reasonable suspicion for drug testing, and for all directors/managers to become certified to drug test under reasonable suspicion.

Councilor Montoya asked if there were any conflicts with the Unions.

Human Resource Director Arguello advised no there haven't been any conflicts.

Discussion took place regarding the major changes done to the City of Las Vegas Zero Tolerance Drug and Alcohol Policy.

Councilor Montoya asked City Attorney Aaron if he reviewed the resolution and if he was in agreement with it.

City Attorney Aaron advised he reviewed the entire policy and helped make some of the changes.

Human Resource Director Arguello advised the Attorney from the Municipal League fund reviewed it and helped with incorporating the language for the cannabis act.

Councilor Ulibarri made a motion to approve resolution 22-08. Councilor Montoya seconded the motion.

Resolution 22-08 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 22-08

A RESOLUTION REPEALING AND REPLACING ALL PREVIOUS RESOLUTIONS BY AMENDING THE CITY OF LAS VEGAS' ZERO TOLERANCE DRUG AND ALCOHOL POLICY WITH RESPECT TO THE CANNABIS REGULATION ACT, LEGALIZATION OF CANNABIS AND CANNABIS USE IN EMPLOYMENT SETTINGS AND REMOVING "SECTION G. CITY OF LAS VEGAS DRUG AND ALCOHOL TESTING PROCESS".

WHEREAS, pursuant to the Cannabis Regulation Act, cannabis possession and use is no longer considered illegal under state law and allows for individuals twenty-one years of age or older to possess and consume cannabis; and

WHEREAS, cannabis still remains a Schedule 1 Controlled Substance under federal law; and

WHEREAS, such consumption and possession is restricted with respect to employment settings; and

WHEREAS, as provided in the Cannabis Regulation Act, employers may prohibit or take adverse employment action against employees for impairment, possession, or use of intoxicating substances, including cannabis, at work or during working hours; and

WHEREAS, the City of Las Vegas ("City") is committed to the safety, health and well being of all employees and the public; and

WHEREAS, it is in the City's best interest to maintain a Zero-Tolerance Drug and Alcohol Policy.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference, and the City Council hereby approves the aforementioned regulations as to cannabis use in employment settings and maintains a Zero-Tolerance Drug and Alcohol Policy and directs its distribution to all employees.

PASSED, APPROVED AND ADOPTED this ____ day of March, 2022.

Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Elaine Rodriquez	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

Human Resource Director Arguello thanked Councilor Rodriquez for her service and support.

6. Request approval of lease agreements with La Plaza Little League, Las Vegas Little League and Las Vegas Youth Soccer League.

Mayor Trujillo acknowledged and welcomed Morgan Montano in the audience.

Recreation Director Aragon advised Morgan Montano was representing Las Vegas Youth Soccer League, and there were others who were representing La Plaza and Las Vegas Little League. Recreation Director Aragon advised he worked with City Attorney Aaron on the lease agreements. Recreation Director Aragon discussed the lease agreements and in kind maintenance added.

A lengthy discussion, along with questions took place regarding traveling teams practicing at the fields and paying a fee. The leagues stated they were not in agreement with paying the \$250.00 fee included in the agreements and discussed all the other things they have to pay for. Councilor Romero advised that due to the anti donation clause they have to charge a fee or there could be audit findings. There was further discussion on working with the Parks and Rec department to figure out what works for everyone, and to cut the fee down to \$100.00 along with a scope of work to track individuals who provide in-kind service.

Councilor Montoya commended the coaches for serving the public and kids. Councilor Montoya advised they are the backbone of the community.

Councilor Romero made a motion to approve the lease agreements with La Plaza Little League, Las Vegas Little League and Las Vegas Youth Soccer League with the amendment for the lessee to pay \$100 to the lessor, along with an in-kind scope of work to be taken to Council at the next council meeting. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Romero made a motion to convene into executive session for the purpose of discussing limited personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David Ulibarri	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing limited personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 and only those matters were discussed and no action was taken. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

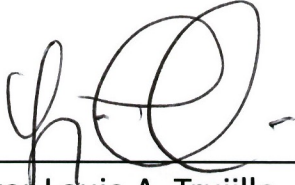
City Clerk Fresquez advised the motion carried.

ADJOURN

Councilor Montoya made a motion to adjourn. Councilor Ulibarri seconded the motion. All were in favor.

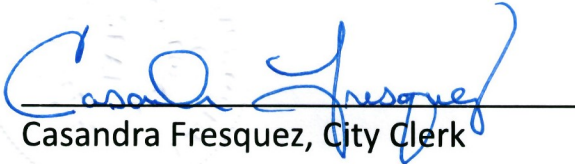
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 8:53 pm.

A handwritten signature in black ink, appearing to be 'Louie A. Trujillo', written over a horizontal line.

Mayor Louie A. Trujillo

ATTEST:

A handwritten signature in blue ink, appearing to be 'Casandra Fresquez', written over a horizontal line. To the left of the signature is a faint, circular official seal.

Casandra Fresquez, City Clerk